

NEW YORK HERALD.

JAMES GORDON BENNETT,

EDITOR AND PROPRIETOR.

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BOWERY THEATRE, Bowery.—THE DUKE'S DEATH.—REHEARSAL.—REHEARSAL.

BARNUM'S AMERICAN MUSEUM, Broadway.—THE DUKE'S DEATH.—REHEARSAL.—REHEARSAL.

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held at one o'clock yesterday, for the purpose of taking action on a communication signed by the Mayor, Comptroller, City Inspector and Corporation Counsel, proposing that the Common Council should pass a resolution appropriating about \$32,000 to pay the street cleaners already employed by the City Inspector, and also to give that officer power to do the work, and, as the bills become due, present the same for payment to the sureties of the Hackley contract. In case the sureties refuse to pay the City Inspector is to sue for the amount, and while the action is pending the Comptroller shall advance the funds necessary to pay the workmen. It also proposes to take measures to break the Hackley contract and substitute a new one in its stead. The communication was referred to the Committee on Finance. The President (Mr. Jones) offered as a substitute a resolution transferring all authority in the matter to the Comptroller. A long and spicy debate ensued, during which the City Inspector's character for veracity was freely handled by Mr. Jones, and the lie direct was given by Mr. Sanford to that gentleman. Order being restored, the subject under discussion was made the special order for this evening at four o'clock, to which hour the Board adjourned.

The upper rooms of the building No. 300 Eighth avenue were crowded last evening to hear an address from Mrs. Van Benthuyzen, of Tennessee, another female candidate for oratorical honors of the Ann Dickinson school. Mrs. Van Benthuyzen is a regular Yankee, according to her own statement. She is about thirty years of age, calm and dispassionate in her address, pleasing in her appearance, and apparently a lady of considerable information. The hall was nearly half filled with ladies. The fair orator's address was a very lengthy one, but it did not treat of any particular idea which merits distinct notice. She said that the people of the South are very confident of their ability to achieve independence, giving many of the arguments which they adduce to this effect. At the same time she expressed her own serious doubts that such a consummation could ever be accomplished, and went largely into data to show that whenever and however the rebellion may end, human liberty would be triumphant, coming out purified by the fire. She was loudly applauded. Mr. F. Montgomery, of the *Vicksburg Whig*, next made a few remarks, but we learn he spoke at length on a future occasion.

The trotting match for \$5,000, mile heats, best three in five, to wagnons, between George M. Patchen and General Butler, came off yesterday afternoon at the Fashion Pleasure Grounds. Patchen won the race. Five closely contested heats—time, 2:27, 2:29, 2:32, 2:30 and 2:32—were trotted, the stallion winning the first, fourth and fifth; General Butler won the second and third heats.

In the United States District Court yesterday, before Judge Betts, the prize schooner *Neptune* was condemned for running the blockade. The veterinary surgeons held their second meeting yesterday at the Astor House, and unanimously adopted a constitution and by-laws reported by the committee appointed for that purpose. The organization will be known as the "United States Veterinary Medical Association." Its principal object is to contribute to the diffusion of the science of veterinary surgery. Dr. J. H. Stickney, of Boston, was elected President for the ensuing year.

In the Court of General Sessions yesterday, before Recorder Hoffman, Maria Burke was arraigned for murder, in causing the death of Elizabeth Dunn, by beating her on the 29th of March last. Maria was allowed to plead guilty to the minor offence of manslaughter in the fourth degree. The trial of William Gurney, alias Newton, indicted for forgery, occupied the Court during the whole day, and the jury, after remaining out nearly two hours, brought in a verdict of not guilty.

The heavy fall in gold and sterling exchange had a very depressing effect on the produce market yesterday. Flour, wheat, corn, cotton and most kinds of provisions were cheaper, with limited sales reported. Whiskey and sugar were in moderate request at dropping rates, while coffee, tea, rice, molasses, oil, metals and naval stores were very sparingly purchased, and were unsettled. Hay and hops were saleable and steady. Tallow was plenty and heavy. The freight market was quite dull.

The stock and gold markets were greatly depressed yesterday, the fall in the former being from $1\frac{1}{2}$ to 3 per cent. In the afternoon, however, there was a general rally, and the indications were rather that "bottom" had been touched for the present. Money was very active all morning at 7 per cent. Exchange was $153\frac{1}{4}$ to $154\frac{1}{4}$. The usual trade tables for the month of May will be found in the money article.

The Late Cavalry Fight on the Rappahannock—Mysterious Movements of the Rebels.

We give to our readers this morning such details as have come to hand of the late severely contested and sanguinary cavalry fight on the Rappahannock. As the force on the Union side engaged was probably not less than ten thousand men, and as the struggle—hand to hand—continued from an early hour in the morning until noon, and as the losses on our side are represented to be heavy, and on the part of the enemy fearful, this contest, compared with any of our previous wars, would be a battle of the first magnitude. In this gigantic war, however, it dwindles down in importance to a chance collision between a reconnoitering detachment from each of the two great armies confronting each other some twenty-five miles lower down the river.

But the main result of this engagement—the repulse and retreat of Stuart's cavalry force—is claimed to be a matter of very considerable moment. It was discovered that Stuart was organizing on the Upper Rappahannock an immense cavalry expedition, with the evident design of a dash and destructive raid into Maryland and Pennsylvania, and that, unless speedily checked, the expedition would be off and probably beyond pursuit. Accordingly General Hooker detailed the detachments of cavalry, artillery and infantry indicated in our despatches to defeat this scheme of Stuart, by meeting him and cutting him up while yet within striking distance. In this view it is claimed a very important object has been achieved, being no less, for the time being at least, than the defeat of the contemplated destructive rebel foray into Maryland and the rear of Washington, and perhaps into some of the richest counties of Pennsylvania.

In connection with this cavalry battle up the river there have been some very mysterious movements on both sides down in the neighborhood of Fredericksburg. All that we can make out of them is that the opposing generals—like Napoleon and the Austrian General Melas—have been moving their columns about simply to deceive each other. It is probable that the real object of Lee in strengthening his works on Fredericksburg heights is to leave them in charge of a small force for the amusement of his adversary, while, with the main body of his army, headed by Stuart's cavalry, an attempt is to be made to sweep round and get in between General Hooker and Washington.

But it is also conjectured that all these menacing demonstrations of Lee are merely intended to deceive Hooker with the idea of a heavily reinforced rebel army, while in reality it has perhaps been heavily reduced in order to strengthen Joe Johnston in Mississippi. At all events we are gratified that the main

result of this late stubborn and sanguinary cavalry fight is a positive advantage to the Army of the Potomac, and a positive defeat of the forces and the plans of the enemy; and we hope that before long affairs on the Rappahannock will assume such a shape as to relieve the hands of the War Office and the people of Washington, Maryland and Pennsylvania of all apprehensions of danger.

THE FRENCH IN MEXICO.—Puebla has fallen, but the French will find it no easy matter to conquer the city of Mexico. The people are roused and will defend themselves with desperation, struggling with death for every foot of ground. The troops of General Forey will perhaps succeed in reaching the capital, but it will only be with a fearful loss of life; and when they do enter Mexico they will not have the whole country in subjection by any means. The Mexicans have been for years fighting among themselves. The French invasion has caused them to cease their war of factions and begin a patriotic struggle, which has proved them to be quite capable of brave deeds. Eight millions of people will not be held in subjection by a hundred thousand troops, be they the best in the world; and Napoleon will find, when he has captured the city of Mexico, that the difficulties of his position on this continent have begun. The Mexicans will cut off his supplies, and will begin a fearful guerrilla warfare against their invaders, poisoning them, destroying their advanced guards and overwhelming their convoys. It will be a war of extermination, and Napoleon will find himself too far removed from the seat of operations.

It is more than likely, however, that the Emperor of the French has abandoned all idea of holding Mexico. He will no doubt offer terms to the Mexicans which they can accept the moment he has retrieved the stigma of his long continued non-success. He must know that obstinacy in this matter would be a dangerous course to pursue, and must recall to mind the disasters which overwhelmed the great Napoleon from a stubborn persistence in a far off campaign. Napoleon is also well aware that, were he to hold Mexico, the government of the United States would at no very distant date have something to say in the matter, and that when once it turned its attention that way he would inevitably have to retreat from this continent, as he could never undertake to battle against our forces combined with the Mexicans. The rebellion is fast approaching its end, and the moment our civil war is terminated we can but cause France to leave this continent, a hold upon which she has obtained in our hour of intestine warfare. The American people cannot allow Napoleon to insult the majesty of this government with impunity; and they will not, as he will find to his cost, unless he retires from Mexico at his first opportunity. The capture of the city will redeem him from the disgrace which the previous failure of the expedition had entailed upon France. This much accomplished, he will, if not blinded by fate, leave this continent.

GREELY IN ANOTHER FIT OF EXCITEMENT.—Poor Greeley seems to be composed of too excitable materials for this warm weather. He will be quite ready for a lunatic asylum by the next Presidential election. His present excitement is caused by our refusal to attend the editors' meeting last Monday, in order to accept the hospitalities of the Astor House and join in making a fuss about the liberty of the press. Poor Greeley was a blockhead to call such a meeting, and those who attended it deserve the same appellation. Meehan, the Irish general, seemed to have a pretty good general notion of what he was talking about; but the rest of the party were mere drivelling partisans, who by no means represented the intelligence of the newspaper press of this city. For proof of this, if any be needed, we have only to refer to the ridiculous speeches of Brooks and Greeley, and the still more ridiculous resolutions prepared for transmission to the President. As far as we are concerned we want nothing whatever to do with such meetings. We practice the rights and duties of public journalists under the constitution every day of our lives, and do not care to waste time in talking about them. Any man who is competent to conduct a paper upon philosophical, statesmanlike and constitutional principles requires no instruction nor assistance from such twopenny partisan editors.

THE BLUNDERING WORLD.—For some time past the *World*, at different intervals, has spoken of Fitz John Porter as being in this city. That journal is very correct in some things. It can quote with accuracy "Plutarch's Lives," "Blackstone's Commentaries," and the *Encyclopaedia*, which is easy enough when he has the books at his elbow. But as a live newspaper, giving an account of the current events of the day, it is nowhere. Fitz John Porter was not here at the time mentioned. He was in the country, and bides his time—and his time will assuredly come. And as for General McClellan, he consorts with none but his own family. If Barlow, Bancombe & Co., who sink so much money in the *World* and get nothing back, would only put a little common sense and sagacity into it they might retrieve a great deal of the cash which is now lavished upon the concern in vain.

ABBE McMASTER AND FERNANDO WOOD.—The redoubtable Abbe McMaster, who took his degrees at Fort Lafayette, and is therefore entitled to an opinion, denies that Fernando Wood is a good peace man. The Abbe says that the Peace Convention resolutions and the Railroad Regency resolutions are both mere trash and milk and water. The Abbe furthermore declares that both conventions are entirely bogus, and that no man has a right to express an opinion about peace unless he has a diploma from Fort Lafayette, Fort Warren or Fort McHenry. There may be something in this. The Abbe may be right for once. Let us wait and see.

THE OLD SEDITION LAW REVIVED.—The resolutions passed by the meeting of partisan editors at the Astor House last Monday admit the right of the President to stop any paper which he may think seditious or treasonable. This admission surrenders the whole question of the liberty of the press. It is a thousand times worse than the old Sedition law; for that only authorized seditious editors to be arrested, tried and fined, but did not allow the suppression of newspapers. Well, if these editors are anxious to give the President all the power over the press which Napoleon or the Russian Czar claims, let them do so. Wait until a democratic President is elected, and see if the seditious and treasonable *World* be not the first paper stopped.

GRANT MASS MEETING OF RETURNED SOLDIERS.—There have returned to this city and State from the Army of the Potomac within the last few weeks from twelve to fifteen thousand of its best soldiers. Most, if not all of these, are men of education and intelligence. They went to the war from motives of patriotism and without any views of self-advancement; they have participated in all the hardships and dangers of the sanguinary campaigns of Virginia and Maryland, and from their superior discipline and valor have earned the designation accorded by Napoleon to his veterans of "the Old Guard." Now, we know no class whose views and sentiments it is more important to consult in the present position of our affairs than these men. They have studied attentively the course of the administration in connection with the conduct of the war; they have been personally affected by the various changes that it has brought about; they have seen the command of the army to which they belonged; they have had the fullest opportunities of appreciating the merits and demerits of the successive generals under whom they have served; and, as their lives have been staked on the competency and energy of their commanders, their opinions have, upon all these points, an incontestable value. In the present vacillating and mis-trusting condition of the public mind, and with an administration utterly without judgment or military foresight, we must seek for guidance where experience and freedom from political prejudices unite to point the way. These returned soldiers of the Army of the Potomac are the opportunely arrived Nestors of our difficulties. They are the practical statesmen who are to find a solution for the obstacles that have hitherto prevented the triumph of our arms. That the radicals are fully sensible of this is evident from the efforts made by the broken down politicians of the party to prevent them paying a tribute to their respect, on their arrival in this city, to their old commander, McClellan. There is nothing that they dread more just now than any manifestation of this kind.

The sensitiveness thus exhibited renders it all the more important that we should endeavor to get at the real sentiments of the army. This can now be done without violating the rules of military discipline or introducing politics into the army. The gallant veterans who have just completed their term of service will probably remain home for a month or two before they again volunteer, as no doubt, the great majority of them will do. Let them be convened together in a mass meeting from all parts of the State—arrangements being previously made for their transport here—in order that we may obtain a full and untrammelled expression of their sentiments on the conduct of the campaigns through which they have passed with so much honor to themselves, but, unfortunately, with so little advantage to the country. The opinions enunciated there will have a powerful influence in dispelling the illusions created by the misrepresentations of partisan journals, and may have the effect of shaping the future course of the President and of inducing him to cast out from his administration the men whose imbecility and foolish ambition have been the main obstacles to the successful prosecution of the war.

THE CHICAGO TIMES AND THE LIBERTY OF THE PRESS AGAIN.—The *Chicago Tribune*, the meanest radical newspaper in the country, ungratefully that its own establishment was saved from popular vengeance by the act of the President in rescinding the foolish order of Burnside against the *Chicago Times*, denounces Mr. Lincoln because he would not lend himself to its scheme for the destruction of a rival concern. It was at the instigation and through the machinations of the *Tribune* that the *Times* became involved in trouble; and because the President would not complete the silly work which Burnside had begun he is bitterly assailed by the organ of Chase, Stanton & Co.

The object of these attacks upon the President, and all the other attacks by abolition journals and orators, is to get rid of Mr. Lincoln as a candidate for the next Presidential term. But if the President had only the resolution of Andrew Jackson he would speedily clear out the whole Cabinet and construct a new one with materials more in harmony with the wishes of the people and the fitness of things. By taking this step and denouncing and repudiating the entire proceedings of the present administration Mr. Lincoln would make himself so popular that there is little doubt he would be re-nominated by the voice of the people and be elected by their ballots. He owes it to himself as well as to the country to cut loose from a Cabinet which is like a millstone around his neck to drag him down to political perdition. Let him at once free himself from this dead weight, and he will rise upon the crest of the popular wave, and in November, 1864, be borne triumphantly into power for the next four years.

FORTUNES MADE BY THE WAR.—It is generally believed, and with truth, that large fortunes have been made out of the war during the past eighteen months. We have seen a list of the names of one hundred and fifty persons who have made fortunes, varying from one hundred thousand to a million and a half of dollars during that period—some by stocks, some by contracts, some by shoddy, some by selling bad vessels to the government, some by crackers and cheese for the army and some by disposing of good offices. These shoddy aristocrats have added about two hundred brilliant new equipages to the Ring at the Park, and will soon figure largely at the watering places. Jay Cooke, the banker, is said to have cleared three hundred thousand dollars—minus eight or ten thousand dollars for advertisements—by the conversion of government bonds alone. So we go. Money is as plenty as dirt. It will soon be time to spend this spare cash at the summer retreats, and the season will be a splendid one.

GREELY LYING AGAIN.—Poor Greeley says that McClellan excluded that miserable abolition paper, the *Tribune*, from the Army of the Potomac. We believe this to be an impudent and unqualified falsehood. General McClellan never interfered with the newspapers. The soldiers themselves refused to read the *Tribune* or to receive it in their camps. When Pope had command of that army the *Tribune* could not be disposed of at any price, and lay around rotting in piles. Still later, under Hooker, seven thousand *Tribunes* were sent down to the army, and the soldiers collected as many of them as possible and burned them, calling the burning heap "Poor Greeley's funeral pyre." These facts show how the *Tribune* is excluded from the army. No sensible man will buy and read it either here or there.

THE THREATENED EPISTEMIC.—Now that the very warm weather has returned we may look for a fearful increase of sickness in the city if the filth accumulating in our streets so rapidly is not at once removed. The Mayor, Comptroller, Corporation Counsel and Board of Aldermen did their duty on the subject yesterday. Let the Board of Councilmen act to-day, and we shall be safe. Throughout the entire city there are thousands of barrels upon the sidewalks containing garbage which in the heat of the sun is putrifying. The air is even now tainted, and we may anticipate a pestilence if the cause is not immediately removed. There will be a responsibility resting heavily upon some one unless steps are taken at once to save us from the menacing danger, and the people will surely see to it that due punishment is meted out to the guilty parties.

NEWS FROM WASHINGTON.

WAR GAZETTE.

OFFICIAL.

The Conscription—Opinion of the Hon. William Whiting, Solicitor of the War Department.

WASHINGTON, June 10, 1863.

The following official orders have been promulgated:—

WAR DEPARTMENT, OFFICE OF THE SECRETARY, June 9, 1863.

The following opinion of Hon. Wm. Whiting, Solicitor of the War Department, has been ordered to be published by the Secretary of War:—

The national forces, liable to perform military duty, include all able-bodied male citizens of the United States, and persons of foreign birth who have declared their intention to become citizens according to law, being between the ages of twenty-one and thirty years. Certain persons are excepted, divided into eight classes. No person but such as are therein excepted shall be exempt. (Sec. 2.)

It is declared the duty of the enrolling officers to enroll all persons subject to military duty. (Sec. 9.) All persons thus enrolled shall be subject for two years after July 1, succeeding the day they are enrolled, to be called into the military service. (Sec. 11.) The national forces (not now in the military service) enrolled under the act shall be divided into two classes, (Sec. 3.)

Those of the second class shall not be called out until those of the first class shall have been exhausted. Thus it seems by the true construction of this act, while all persons coming within its provisions are to be enrolled in the national forces, nevertheless, under the first enrollment, those who were in the military service at the time the act was passed are to be included in that class which is subject to the first draft. Several provisions of this statute are inconsistent with the idea that persons then in the service were to be treated as liable to draft from the first class.

Thus it is provided in the seventh section that regular volunteers, military or naval, or persons called into the service under this or any other act of Congress, were to be treated as deserters wherever they might be found by the Provost Marshal or his assistants, and were to be sent to the nearest military post, there to remain until they were discharged. This, admitting a plain distinction between these different classes of persons, viz., those who were then in the service and those who were to be drafted. It is also provided in section 15, which provides bounties to those who being then in the service, should volunteer to reenlist.

The statute, in providing for the classification of troops which drafts are to be made, must be construed according to (Section 3.) That the national forces of the United States, not now in the military service, enrolled under this act, shall be divided into two classes. Thus those who are now in the military service are not to be included in either of these classes. And as